

**Court of Appeals, State of Michigan**

**ORDER**

James Malcum v Department of Corrections

Docket No. 290904

LC No. 08-026388-AA

Michael J. Kelly  
Presiding Judge

Peter D. O'Connell

William C. Whitbeck  
Judges

---

The Court orders pursuant to MCR 7.205(D)(2) that the circuit court's order dismissing petitioner's application for judicial review is REVERSED and this matter is REMANDED to the circuit court for further proceedings. Petitioner timely filed his application for judicial review with a claim of indigency on June 11, 2008, within the statutory 60-day period after respondent denied petitioner's motion for rehearing on April 16, 2008. MCL 791.255(2); Keenan v Dep't of Corrections, 250 Mich App 628, 630 (2002).

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 29 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk